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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,992

07/11/2005

Marco Van Leeuwen

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

KEATON, SHERROD L

ART UNIT

PAPER NUMBER

2174

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/541,992	<b>Applicant(s)</b> VAN LEEUWEN, MARCO
	<b>Examiner</b> sherrod keaton	<b>Art Unit</b> 2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12-21-06</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is in response to the original filing of July 11, 2005. Claims 1-10 are pending and have been considered below:

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter. Claim 9 is a software product and therefore does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter).

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Brooks (6008809).

**Claim 1:** Brooks discloses a method of creating a view (V) on a computer screen (3), the method comprising the steps of:

the computer (2) receiving a request from a user to create a view, the request comprising a location indication, the computer (2) determining, on the basis of the location indication, both a view location and view dimensions, and the computer (2) displaying a view (V) having said view location and said view dimensions (Column 2, Lines 11-33).

**Claim 4:** Brooks discloses method as in claim 1 above, wherein the view dimensions are as large as possible (Column 2, Lines 26-33). If no other window is occupying the screen it takes up the entire screen, thereby making the view dimensions as large as possible.

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**Claim 7:** Brooks discloses a method as in 1 claim above, and further discloses a device programmed to carry out the method (Column 3, Lines 50-61).

**Claim 8:** Brooks discloses a method as in claim 7 above, and further disclose that the device preferably is a desktop computer, a laptop computer, a palmtop computer, a PDA or an electronic organizer (Column 3, Lines 50-61).

**Claim 9:** Brooks discloses a method as in claim 1 above, and further discloses a software product for carrying out the method (Column 4, Lines 7-23).

**Claim 10:** Brooks discloses a record carrier, such as a CD-ROM, provided with a software product as claimed in 7 (Column 4, Lines 23-34).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks (6008809) in view of DeStefano (6075531).

**Claim 2:** Brooks discloses a method as in claim 1 above, but does not explicitly disclose that the location indication comprises a point on the screen indicated by the user.

However DeStefano discloses a computer system and method of manipulating multiple graphical user interface components on a computer display with a proximity pointer and further discloses a movement based on the point indicated by the user (Column 7, Lines 1-10). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have a point as indicated by the user in Brooks as taught by DeStefano. One would have been motivated to have a point to give user exact coordinates of where to display thereby eliminating placement errors.

**Claim 3:** Brooks and Destefano discloses a method as in claim 2 above, but does not explicitly disclose that the view has a center which substantially coincides with the point on the screen indicated by the user. However DeStefano discloses a computer system and method of manipulating multiple graphical user interface components on a computer display with a proximity pointer and further discloses center position indicated by the current point. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to center around the point of the modified Brooks as taught by DeStefano. One would have been motivated to center around the point selected because it keeps operation from cutting off displays located on the sides or edges and decrease the clarity of what is to be displayed.

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8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks (6008809) in view of Fujita (US 2004/0046796 A1).

**Claim 5:** Brooks discloses a method as in claim 1 above, but does not explicitly disclose where the computer provides view activation points (P) on the screen, each view activation point corresponding with a view having predetermined view dimensions. However Fujita discloses a visual field changing method and further discloses displaying with a predetermined size (Page 4, Paragraph 34). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to display predetermined views in Brooks as taught by Fujita. One would have been motivated to have predetermined sizes to keep operations from cutting off displays located on the sides or edges if they were displayed too large.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks (6008809) and Fujita (US 2004/0046796 A1) as applied to Claim 5, and in further view of DeStefano (6075531).

**Claim 6:** Brooks and Fujita disclose a method as in claim 5 above, but do explicitly disclose wherein the computer provides at least two different types of view activation points (P.sub.1, P.sub.2), one type corresponding with views having a fixed size. However DeStefano discloses a computer system and method of manipulating multiple

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graphical user interface components on a computer display with a proximity pointer and further discloses multiple pointer view operation, including sizing (Column 6, Line 65-Column 7, Line 10). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have multiple view-point operations in the modified Brooks as taught by DeStefano. One would have been motivated to have different view activation points to allow the user to customize the screen and associate importance with different view sizes.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KRISTINE KINCAID can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

6-21-07

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